

Before the State of South Carolina
Department of Insurance

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| In the matter of: |) | |
| |) | Order |
| Dwight E. Ludwig, |) | Reinstating Insurance Adjuster's License |
| |) | |
| 3203 St. Martins Trail, Apt. 1013 |) | File Number 1999230-004-025 |
| Richmond, Virginia 23294. |) | |
| _____ |) | |

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Dwight E. Ludwig, an individual previously licensed by the Department to transact business within the State of South Carolina as a non-resident insurance adjuster.

On September 1, 1999, I issued an Order revoking Ludwig's privilege to transact business as a resident insurance adjuster in the State of South Carolina. As a result of information it had received, the Department initiated administrative disciplinary action against Ludwig by service of a "Letter of Allegation and Notice of Opportunity for Hearing" upon him. The letter alleged that Ludwig failed to notify the Department of a change of his residential address in violation of S.C. Code Ann. § 38-47-15 (Supp. 1999). The letter also specifically informed Ludwig that I would summarily revoke his license to transact business as a nonresident adjuster if he did not contact the Department, in writing, within ten days of his receipt of the letter. The letter was served upon Ludwig pursuant to the provisions of S.C. Code Ann. § 38-3-170 (Supp. 1999) via both first class mail, return receipt requested, and regular first class mail to his last known address the Department had of record. The certified mail domestic return receipt indicated Ludwig received the letter on August 11, 1999. Statutory Service had been accomplished, and Ludwig failed to respond within the statutorily-prescribed time period. As a result of this default, I issued the my Order.

By letter dated October 10, 1999, Ludwig notified the Department that he believed his South Carolina adjuster's license should be reinstated. With that letter Ludwig provided evidence that he had notified the Department of his change of address within the statutory thirty-day period. Moreover, a close review of the domestic return receipt indicates someone other than Ludwig signed for the letter of allegation the Department relied on to establish Ludwig's default.

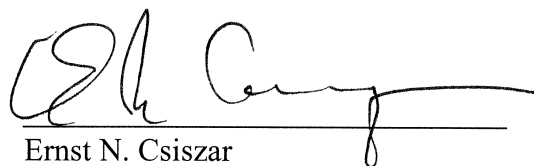
Rather than proceeding toward an administrative hearing regarding the matters surrounding his default and the resulting order, the parties agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision based solely upon the record. After a thorough review of the record before me, I hereby find that Ludwig should be reinstated as a South Carolina nonresident adjuster.

This administrative order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 1999). Nothing contained within this administrative order should be construed to limit, or to deprive any person of, any private right of action under the law. Nothing contained within this administrative order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement officer or judicial officer. Nothing contained within this administrative order should be construed to limit the statutory duty, pursuant to S.C. Code Ann. § 38-3-110 (4) (Supp. 1999), of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the laws relative to the business of insurance or the provisions of this title which he considers necessary to report."

It is, therefore, ordered that Ludwig be reinstated as a nonresident insurance adjuster within the State of South Carolina. This Order becomes effective as of the date of my signature below.

It is further ordered that a copy of this Order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states.

February 17, 2000
Columbia, South Carolina



Ernst N. Csiszar
Director